

REMARKS

Upon entry of the present amendment, claims 3 and 6-7 will remain pending in the above-identified application and stand ready for further action on the merits.

The instant amendment does not incorporate new matter into the application as originally filed. The amendment cancels claims 1-2 and 4-5, while incorporating the limitations of cancelled claim 1 into pending claim 3, so that claim 3 is now written in an independent format.

The instant amendment to the claims does not raise any substantial new issues for the Examiner's consideration and at the same time serves to limit the claimed invention to a scope that has previously been indicated by the USPTO to be allowable (*see remarks below*). As such, entry of the instant amendment is respectfully requested at present, as is favorable action on the merits.

Allowable Subject Matter

At page 5, lines 1-3 of the office action, the USPTO remarks as follows:

Claims 3, 6 and 7 are objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim.

In the instant amendment claim 3 has been amended to an independent format (by incorporating limitations from claim 1), while claim 6 remains dependent on claim 3, and claim 7 remains dependent on claim 6. Because of the amendment of claim 3, it is submitted that

instant claims 3, 6 and 7 are now in condition for allowance. This conclusion is of course supported by the above statement taken from page 5, lines 1-3 of the office action.

Claim Rejection -- 35 USC § 103(a)

Claims 1-2 and 4-5 have been rejected under the provisions of 35 USC § 103(a) as being unpatentable over US 5,837,791 to Sagane et al., alone or in view of the evidence provided by Oi et al. reconsideration and withdraw of this rejection is respectfully requested based on the cancellation of claims 1-2 and 4-5 herein.

CONCLUSION

Based on the amendments and remarks presented herein, the Examiner is respectfully requested to issue a notice of allowance in the matter of the instant application, clearly indicating that each of pending claims 3, 6 and 7 are allowed and patentable under the provisions of title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

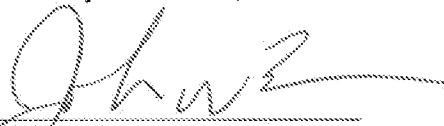
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Application No. 10/540,512
Amendment dated January 19, 2007
After Final Office Action of October 19, 2006

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Respectfully submitted,

By 

John W. Bailey
Registration No.: 32,881
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant